

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

DEC - 8 2005

In the Matter of)

Federal Communications Commission
Office of the SecretarySection 63.71 Application of
TLX Communications, Inc.)

Comp. Pol. File No. _____

d/b/a TelAmerica For Authority
to Discontinue Certain Services)

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DEC - 8 2005

SECTION 63.71 APPLICATION

Federal Communication Commission
Bureau / Office

Pursuant to Sections 63.71 of the Commission's Rules¹ and Section 214(a) of the Communications Act of 1934, as amended,² TLX Communications, Inc. d/b/a TelAmerica ("TLX" or the "Company")³ hereby files this application to discontinue the provision of local exchange service and Digital Subscriber Line High-Speed ("DSL") to the segment of customers to whom the Company provides competitive local exchange carrier ("CLEC") service in the State of Louisiana ("Application").⁴ In support of this Application, TLX submits the following:

I. Information Required by Section 63.71(a)(1)-(4)**A. Name and Address of Carrier**

TLX Communications, Inc. d/b/a TelAmerica
913 South Burnside Avenue
Gonzales, Louisiana 70737-4258

For purposes of this Application, the Commission may contact:

¹ See 47 C.F.R. § 63.71.

² See 47 U.S.C. § 214(a).

³ TLX is a certificated CLEC in Louisiana and provides local exchange, DSL, long distance and Internet Service Provider ("ISP") services. The Company is a subsidiary of Advanced Tel, Inc. - Consolidated ("Advanced Tel") which is also a certificated CLEC in Louisiana. On October 18, 2005 and November 14, 2005, Advanced Tel filed applications to discontinue the provision of local exchange service and DSL to its CLEC customers in the states of Louisiana and Mississippi. See Section 63.71 Application of Advanced Tel, Inc. - Consolidated For Authority to Discontinue Certain Services, Comp. Pol. File No. _____ (filed Oct. 18, 2005); Section 63.71 Application of Advanced Tel, Inc. - Consolidated For Authority to Discontinue Certain Services, Comp. Pol. File No. _____ (filed Nov. 14, 2005). These applications were subsequently amended and supplemented. See Amendment of and Supplement to the Section 63.71 Applications of Advanced Tel, Inc. - Consolidated For Authority to Discontinue Services, Comp. Pol File Nos. _____ (filed Nov. 21, 2005) ("Amendment to Applications").

⁴ As required by Section 63.71(a) of the Commission's Rules, TLX has notified and submitted a copy of this Application to the Louisiana Public Service Commission, the Governor of Louisiana and the Secretary of the Department of Defense.

Janet S. Britton, Corporate and Regulatory Counsel
TLX Communications, Inc. d/b/a TelAmerica
913 South Burnside Avenue
Gonzales, Louisiana 70737-4258

B. Date of Planned Service Discontinuance

TLX has sent notices to all of its CLEC customers that reside in the State of Louisiana specifying a proposed discontinuance date of December 30, 2005. This Application seeks approval to discontinue service to these customers.

In order to ensure that these customers will be able to transition to alternative services, the Company will allow an additional time period after the December 30, 2005 discontinuance date specified in the customer notices before discontinuing service to these customers. Accordingly, the Company will not discontinue service to these customers until February 14, 2006 subject to obtaining all necessary federal and state regulatory approvals.

C. Points of Geographic Areas of Service Affected

The notices sent by TLX informing customers of the Company's intent to discontinue service on December 30, 2005 were sent to customers that are located in areas served by BellSouth and that are within the Company's certificated competitive local exchange area in the following parishes in Louisiana: Acadia, Ascension, Assumption, Avoyelles, Calcasieu, Caldwell, Catahoula, De Soto, East Baton Rouge, East Feliciana, Grant, Iberia, Iberville, Jackson, Jefferson Davis, Lafayette, Lafourche, Lincoln, Livingston, Morehouse, Natchitoches, Orleans, Ouachita, Pointe Coupee, Rapides, Richland, Sabine, Saint Charles, Saint Helena, Saint James, Saint Landry, Saint Martin, Saint Mary, Saint Tammany, St. John the Baptist, Tangipahoa, Tensas, Terrebonne, Vermilion, and Winn.

D. Brief Description of the Types of Services Affected

In the areas where the Company provides competitive local exchange service referenced above, TLX provides the following types of services which will be discontinued:

Local exchange services provided through resale of BellSouth's services. In conjunction with this type of service, the Company has offered DSL services which will also be discontinued.⁵ The Company will continue to provide long distance service in Louisiana.

⁵ TLX has one DSL customer to whom service will be discontinued. The Company's parent company, Advanced Tel, will continue to provide DSL and high speed Internet services in conjunction with its affiliated incumbent local exchange carrier ("ILEC") to subscribers in the ILEC's service territory.

II. Description of the Dates and Methods of Notice to All Affected Customers

The written notices sent to all of the TLX customers were dated November 29, 2005 and were sent on November 30, 2005. Sample copies of these notices are attached as Exhibits A & B.⁶

A portion of the customers to whom notices have been sent are ones that have been displaced due to Hurricane Katrina and/or Hurricane Rita. None of these customers provide public service functions.⁷ For these individuals, the U.S. Post Office has established procedures to receive mail at their new location. The notices that were sent to the TLX customers informed them that TLX's service is dependent upon BellSouth's network which is still under repair and encouraged them to seek an alternate provider when they return. To the extent that these measures are not adequate to satisfy the Commission's requirements, the Company seeks waiver of Section 63.71(a) of the Commission's Rules and is prepared to provide supporting evidence demonstrating the extraordinary circumstances surrounding those impacted by Hurricane Katrina or Hurricane Rita to justify grant of a request for waiver of this Rule.

III. Status of Carrier

TLX is non-dominant with respect to the services that it proposes to discontinue.

IV. Circumstances of Discontinuance

The Company's decision to discontinue local exchange and DSL services was made well in advance of Hurricane Katrina and Hurricane Rita and was a difficult business decision based primarily on the Commission's decision to change its rules and regulations affecting the cost structure for providing CLEC services.

V. Certification

On behalf of TLX, the undersigned President and Chief Operating Officer of TLX hereby certifies that the statements contained herein are true, complete and correct to the best of his knowledge and made in good faith.

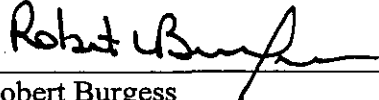
⁶ When the Company's parent company, Advanced Tel, sent notices and filed the Applications to discontinue service, it did so under the misunderstanding that all CLEC customers in Louisiana were subscribers to Advanced Tel and that TLX did not have any customers. See Amendment to Applications at 1. Consequently, in September and October 2005, discontinuance notices were sent to the less than 100 subscribers of TLX erroneously identifying them as Advanced Tel customers. Some of these notices specified a November 30, 2005 discontinuance date while others specified a December 30, 2005 discontinuance date. Upon discovery of this error, second notices were sent to the TLX customers explaining the error and notifying them that their service which is provided by TLX would be discontinued on December 30, 2005. Samples of this second notice are attached as Exhibits A & B. (Exhibit A contains a sample of a letter sent to individuals with term contracts and Exhibit B contains a sample of a letter sent to individuals without term contracts). The total number of TLX customers which received the second notice is 92. As noted above, these customers will have until February 14, 2006 before service is discontinued.

⁷ See Amendment to Applications at 3 (reporting that notices were sent via USPS Priority Mail with Delivery Confirmation to Advanced Tel customers that provide public service functions such as hospitals, schools and government agencies, and that were impacted by the hurricanes.)

VI. **Conclusion**

For the reasons stated herein, the Company respectfully requests grant of this Application.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Robert Burgess", is written over a horizontal line.

Robert Burgess
President & Chief Operating Officer

TLX Communications, Inc. d/b/a TelAmerica
913 South Burnside Avenue
Gonzales, Louisiana 70737-4258
225-621-4200

December 8, 2005

EXHIBIT A

Sample November 29, 2005 Discontinuance Letter

Sent To Individuals With Term Contracts

11/28/2005 08:35 FAX

0005



**IMPORTANT NOTICE
REGARDING YOUR ACCOUNT**

TLX LA BUS 225

4

213 S. Dumplie Avenue Gonzales, LA 70737

1-866-625-4100

November 29, 2005

Gerald B Wickline
Mary Siaryck Wickline
12685 Parnell Ave
Baton Rouge, LA 70815-6635

☐ OK with corrections
☒ OK without corrections

☒ Send revised proof

[Signature] 11/28/05
Signature Date

RE: URGENT Notice of Discontinuance of Local Telephone Services, dedicated voice and data circuits and DSL High-Speed Internet (Excluding East Ascension and Lower Livingston Parishes)

Dear Customer:

We recently sent you a letter regarding discontinuance of service from Advanced Tel, d/b/a EATEL, and our records indicate your service is provided by TLX Communications, Inc., d/b/a TelAmerica - a wholly owned subsidiary of EATEL. In order to meet federal requirements, we are sending you this additional notice of discontinuance of service from TLX Communications, Inc.

This letter is to inform you that on December 30, 2005, TLX Communications, Inc., d/b/a TelAmerica, will no longer be providing local telephone service, dedicated voice and data circuits and DSL High-Speed Internet in your area. (Please note: EATEL will continue to offer all existing services in the company's franchised service area within East Ascension and Lower Livingston Parishes.)

This was a difficult business decision based primarily on the Federal Communication Commission's change in rules and regulations affecting the cost structure for providing competitive local exchange services in your area. We are providing this notice well in advance of our target termination date to allow you sufficient time to find another communications provider.

All customers with term contracts will be released from such term agreement as of the date of this letter. It is our understanding that there are other providers which offer local exchange services within your service area. Generally, you will find a list of local exchange service providers in your local telephone directory. In order to make your selection, you must contact a local telephone service provider of choice and request that your service be switched to that provider. If you are in an area where your local telephone service was affected by Hurricane Katrina or Hurricane Rita, BellSouth is working diligently to rebuild its infrastructure. Since our current local service is largely a resale arrangement of BellSouth's network, a repair for your service would take approximately the same amount of time as new service ordered with BellSouth directly. We encourage you to contact an alternate provider as soon as possible.

The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, and reference the Application of TLX Communications, Inc., d/b/a TelAmerica. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

While we will no longer provide local telephone service, dedicated voice and data circuits and DSL High-Speed Internet in your area, we will continue to offer long distance service to customers in Louisiana. If you currently have long distance service with EATEL, there is no need to cancel it. Or, if you are interested in signing up for EATEL's long distance plans, please feel free to call our Customer Service Department at 1-866-625-4100 after you have established local telephone service with another provider.

We regret any inconvenience we may have caused you and we thank you for the opportunity to have served you.

Sincerely,

TLX Communications, Inc., d/b/a TelAmerica
A wholly owned subsidiary of EATEL

5 086600000980 P (MON) DEC 5 2005 14:43/ST.14:41/NO.6900000980

FROM MAIL COMM

EXHIBIT B

Sample November 29, 2005 Discontinuance Letter

Sent To Individuals Without Term Contracts

11/28/2005 06:34 FAX

0003

0003



**IMPORTANT NOTICE
REGARDING YOUR ACCOUNT**

TLX LJ RDS 324

39

815 S. Burnside Avenue Gonzales, LA 70737

1-866-625-4100

November 29, 2005

David Bordon
3720 Cedar St
Zachary, LA 70791-4448

☒ OK with corrections
☒ OK without corrections

☒ Send revised proof

 11/28/05
Signature Date

RE: URGENT Notice of Discontinuance of Local Telephone Services and DSL High-Speed Internet (Excluding East Ascension and Lower Livingston Parishes)

Dear Customer:

We recently sent you a letter regarding discontinuance of service from Advanced Tel, d/b/a EATEL, and our records indicate your service is provided by TLX Communications, Inc., d/b/a TelAmerica - a wholly owned subsidiary of EATEL. In order to meet federal requirements, we are sending you this additional notice of discontinuance of service from TLX Communications, Inc.

This letter is to inform you that on December 30, 2005, TLX Communications, Inc., d/b/a TelAmerica, will no longer be providing local telephone service and DSL High-Speed Internet in your area. (Please note EATEL will continue to offer all existing services in the company's franchised service area within East Ascension and Lower Livingston Parishes.)

This was a difficult business decision based primarily on the Federal Communication Commission's change in rules and regulations affecting the cost structure for providing competitive local exchange services in your area. We are providing this notice well in advance of our target termination date to allow you sufficient time to find another communications provider.

Generally, you will find a list of local exchange service providers in your local telephone directory. In order to make your selection, you must contact a local telephone service provider of choice and request that your service be switched to that provider. If you are in an area where your local telephone service was affected by Hurricane Katrina or Hurricane Rita, BellSouth is working diligently to rebuild its infrastructure. Since our current local service is largely a resale arrangement of BellSouth's network, a repair for your service would take approximately the same amount of time as new service ordered with BellSouth directly. We encourage you to contact an alternate provider as soon as possible.

The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, and reference the Application of TLX Communications, Inc., d/b/a TelAmerica. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

While we will no longer provide local telephone service and DSL High-Speed Internet in your area, we will continue to offer long distance service to customers in Louisiana. If you currently have long distance service with EATEL, there is no need to cancel it. Or, if you are interested in signing up for EATEL's long distance plans, please feel free to call our Customer Service Department at 1-866-625-4100 after you have established local telephone service with another provider.

We regret any inconvenience we may have caused you and we thank you for the opportunity to have served you.

Sincerely,

TLX Communications, Inc., d/b/a TelAmerica
A wholly owned subsidiary of EATEL

11/28/2005 14:42/ST.14:41/NO.6300000990 P 4

FROM MAIL COMM

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application of TLX Communications, Inc. d/b/a TelAmerica was served this 8th day of December, 2005, by mailing true and correct copies thereof, postage prepaid, to the following persons:

Secretary of Defense
Attn: Special Assistant for Telecommunications
1000 Defense Pentagon
Washington, D.C. 20301-1000

Governor Kathleen Babineaux Blanco
State Capitol
P.O. Box 94004
Baton Rouge, LA 70804-9004

Louisiana Public Service Commission
Lawrence C. St. Blanc, Executive Secretary
P.O. Box 91154
Baton Route, LA 70821-9154

I hereby certify that the foregoing Section 63.71 Application of TLX Communications, Inc. d/b/a TelAmerica was served this 8th day of December, 2005, by hand-delivery of true and correct copies thereof to the following persons:

Rodney McDonald
Competition Policy Division
Wireline Competition Bureau
Federal Communications Commission
c/o Natek, Inc., Inc.
236 Massachusetts Avenue, N.E.
Suite 110
Washington, DC 20002

John Adams
Competition Policy Division
Wireline Competition Bureau
Federal Communications Commission
c/o Natek, Inc., Inc.
236 Massachusetts Avenue, N.E.
Suite 110
Washington, DC 20002



John Kuykendall